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June 20, 2007

Hon. Loretta A. Preska  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007  
*via facsimile (212) 805-7941*

Re: Belovic v. Doar  
07Civ2876(LAP)(KNF)

Dear Judge Preska:

I am the Assistant Corporation Counsel assigned to represent the City defendants in this matter, concerning Adult Protective Services ("APS"). I write on behalf of both the City and State defendants to request an extension of time to respond to the complaint, from June 29, 2007 until July 27, 2007. This is the second request for an extension of time to respond to the complaint. Plaintiffs have graciously agreed to this request, and to continue to have the related motion for class certification held in abeyance until after defendants respond to the complaint.

In light of the agreed upon request for an extension of time to respond to the complaint, the parties have also agreed to the following:

- Defendants will provide plaintiffs' counsel with the case files of the five named plaintiffs, including electronically stored information, if any; it is anticipated that the initial files will be provided by June 22, 2007, and that updated documentation will be provided by June 29, 2007.
- By June 29, 2007, defendants will notify plaintiffs' counsel whether they accept or reject plaintiffs' May 3, 2007 proposal for informal discovery in advance of settlement.
- If defendants accept plaintiffs' proposal for informal discovery, the parties will establish a timetable for production of that discovery by July 10, 2007.

If defendants reject the proposal for informal discovery, the parties will participate in a Rule 26(f) conference to develop a proposed discovery plan, following submission of an answer, during the week of July 30<sup>th</sup>, or as soon as possible thereafter. In the event that defendants move to dismiss the complaint, they will additionally move to stay discovery pending the Court's ruling on that motion; plaintiffs' counsel have indicated that they will oppose any such motion.

Accordingly, City and State defendants respectfully request that their time to respond to the complaint be extended until July 27, 2007.

Thank you for your consideration.

*js & jas  
Katherine J. Silverberg  
(JS4629)  
June 25, 2007*

Respectfully yours,

*Janice Casey Silverberg*  
Janice Casey Silverberg (JS4629)

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